

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JAMES EDWARD SCOTT, III,

Plaintiff,

v.

HERZOG, *et al.*,

Defendants.

Case No. 3:22-CV-00564-ART-CLB

ORDER RE: SERVICE OF PROCESS

[ECF Nos. 32, 33, 34]

Before the Court is Plaintiff James Edward Scott's motion to identify unserved defendants, motion for proper number of USM-285 forms, and motion for instructions on how to serve defendants. (ECF Nos. 32, 33, 34, respectively.)¹ The Court addresses these motions collectively as a single motion for service of process.

The Office of the Attorney General did not accept service of process on behalf of **William Miller, Aaron Ryer, or Cynthia Purkey**, but did file their last known addresses under seal. (ECF Nos. 28, 29.) The Office of the Attorney General did not accept service for **Sowin, Cornell, or Aguiano**, as the true identities of these Defendants was not known. (ECF No. 29.) Plaintiff requests that William Miller, Aaron Ryer, and Cynthia Purkey, whose last known addresses were filed under seal, to be served and provides the "true" names for the other defendants. (See ECF Nos. 32, 33, 34.) Plaintiff further identifies "Sowin" as Chris Sawin; "Cornell" as Anthony Cornell; and "Aguiano" as Francisco Anguiano. (*Id.*)

Accordingly, **IT IS ORDERED** that Plaintiff's motions regarding service, (ECF Nos. 32, 33, 34), are **GRANTED**, consistent with this order.

IT IS FURTHER ORDERED the Clerk shall **ISSUE** a summons for Defendants **William Miller, Aaron Ryer, and Cynthia Purkey** and send the same to the U.S. Marshal

¹ The motions are identical and duplicative of one another. This violates General Order No. 2021-05 § 3(f), which states that "[n]o party may file a motion if he or she has another motion on the same subject matter already pending before the Court. Motions submitted in violation of this General Order may be struck or may be summarily denied."

1 with the address provided under seal. (ECF No. 28.) The Clerk shall also **SEND** sufficient
 2 copies of the second amended complaint, (ECF No. 17), the screening order, (ECF No.
 3 19), and this order to the U.S. Marshal for service on the Defendants. The Court will
 4 separately provide to the U.S. Marshal a completed USM-285 form for each Defendant.

5 **IT IS FURTHER ORDERED** that within 21 days of the date of entry of this order,
 6 the Attorney General's Office shall file notice advising the Court and Plaintiff of whether it
 7 can or cannot accept service on behalf of Defendants **Chris Sawin, Anthony Cornell,**
 8 and/or **Francisco Anguiano**. If the Attorney General's Office cannot accept service on
 9 behalf of **Chris Sawin, Anthony Cornell,** and/or **Francisco Anguiano**, the Office shall
 10 file, under seal, but shall not serve on Plaintiff, the last known address of **Chris Sawin,**
 11 **Anthony Cornell,** and/or **Francisco Anguiano**, if it has such information. If the last
 12 known address of **Chris Sawin, Anthony Cornell,** and/or **Francisco Anguiano** is a post
 13 office box, the Attorney General's Office shall attempt to obtain and provide the last known
 14 physical address. If service cannot be accepted for **Chris Sawin, Anthony Cornell,**
 15 and/or **Francisco Anguiano**, Plaintiff shall file a motion requesting issuance of a
 16 summons, specifying a full name and address for **Chris Sawin, Anthony Cornell,** and/or
 17 **Francisco Anguiano**. If the Attorney General has not provided last-known-address
 18 information, Plaintiff shall provide the full name and address for **Chris Sawin, Anthony**
 19 **Cornell,** and/or **Francisco Anguiano**.

20 Plaintiff is reminded that if the above-named Defendants are not served by May
 21 28, 2024,² they will be dismissed for failure to complete service of process pursuant to
 22 Fed. R. Civ. P. 4(m).

23 **IT IS SO ORDERED.**

24 **DATED:** March 26, 2024.

25 
 26 **UNITED STATES MAGISTRATE JUDGE**

27 ² This date represents 90 days from the date of the order directing that this case
 28 proceed onto the normal litigation track following mediation (ECF No. 23). See Fed. R.
 Civ. P. 4(m) (requiring service on defendants within 90 days after a complaint is filed).